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CA/OCS/ACS/EAP

E.O. 12958: N/A
TAGS: [CASC](#) [ASEC](#) [PREL](#) [MARR](#) [RP](#)
SUBJECT: Prison Visit to DANIEL JOHN SMITH

REF: MANILA 5031 AND PREVIOUS

¶1. NAME: Smith, Daniel John
¶3. DPOB: June 08, 1985, St. Louis, MO USA
¶4. PASSPORT: 802002219, issued July 11, 2005
¶9. CHARGES: Rape
¶10. PLACE OF DETENTION: Makati City Jail, Makati, Philippines
¶11. JUDICIAL STATUS: Appeal Pending; Defendant's petition for transfer of custody to the U.S. Embassy, under the terms of the Visiting Forces Agreement (VFA) between the US and the Philippines, is also pending before the Court of Appeals. See reftels for details.
¶24. REMARKS: LCpl Smith, USMC, remains at the Makati City Jail, to which Judge Pozon of Regional Trial Court Branch 139 had committed him after his December 4, 2006 rendering a verdict of guilty. He was initially detained in a room normally used as the warden's office for the warden of the men's detention facility at the jail. On Saturday, December 16, LCpl Smith was transferred to another space, which is normally used at the warden's office for the warden of the women's detention facility.

- Marines / Navy Hospital Corpsmen on TDY from HQ, III Marine Expeditionary Force (III MEF), augmented by officers from throughout the Mission, have monitored the conditions of LCpl Smith's detention 24 hours a day. Between December 6 and December 21, III MEF personnel and Mission officers generally split the 24-hour coverage. With the arrival of additional III MEF personnel, the Detachment from HQ, III MEF will provide 24-hour coverage, while keeping close contact with ACS, which reports to the Embassy working group on this case.

- Arrest visit completed: Continuous monitoring of LCpl Smith's detention. Most recent ACS officer visit on December 20, 2006.

- ACS Chief inspected the current facility for LCpl Smith's detention at Makati City Jail. The current facility is not air-conditioned; Conoff estimates the temperature inside his room at 80 degrees. The room is a small suite, consisting of two rooms and a small bathroom. There are two fans in his sleeping area. LCpl Smith said he is reasonably comfortable.

- The Navy Corpsman monitoring LCpl Smith reported that the guards had been accommodating of LCpl Smith's needs. A Chaplain from III MEF visited December 19, and the Seventh Fleet Chaplain visited December 20. On December 20, the Navy Corpsman accompanied LCpl Smith on physical training outdoors, his first opportunity to do so since December 4. (Note: This was partly LCpl Smith's own choice, since so much media attention has been focused on him. End note.) Embassy Foreign Service Health Practitioner visited LCpl Smith during the week of December 11. LCpl Smith said that he is doing "all right." He maintains a generally upbeat attitude, and meals provided through a contract arranged by HQ, III MEF are "fine," he said.

- Conoff also spoke with both the women's warden, Chief Inspector (Major) Azucena, and the men's warden, LtCol Oreiro, after visiting

LCpl Smith, and thanked both for their cooperation. Both wardens seemed quite at ease about the current arrangement. The Regional Security Office continues to work with the warden and jail guards to ensure Embassy minders get unhindered access, as well to keep press and other unwanted visitors from LCpl Smith's detention area.

- On December 21, Conoff called Mr. Jim Smith, subject's father, and reported on his son's condition. LCpl Smith's parents are still deciding whether to visit their son in January or later. Mr. Smith expressed concern about the long court process involved in regaining U.S. right custody, as provided for under the VFA. He said that he appreciates all the Mission is doing for his son, with whom he communicates by phone every day. KENNEY